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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

CHOWDHURY, NIGAR

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/062,991
Filing Date: February 01, 2002
Appellant(s): NAKANO, TAKEHIKO

MAILED
JUL 26 2007
Technology Center 2800

Michael R. Kelly
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/04/2007 appealing from the Office action
mailed 01/12/2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,010,801 by Jërding et al. as set forth in the last office action.

2. Referring claim 1, a content recording/reproducing apparatus for controlling the recording and reproducing of content limited in viewable period, comprising:

- Content recording means for recording content received from the outside (Fig. 1, Col. 4 line 1-18)
- Determination means for determining a viewable period of the recorded content (Fig. 19, Col. 25 line 16-40)
- Presentation means for presenting information associated with viewable period of recorded content (Fig. 19, Col. 25 line 16-40)

- Content reproduction means for reproducing recorded content (Fig. 3, Col. 5 line 44-55. Fig. 19, Col. 25 line 16-40)
- Reproduction control means for controlling a reproducing operation of content reproduction means in accordance with viewable period of recorded content (Fig. 3, Col. 5 line 44-55. Fig. 19, Col. 25 line 16-40).

3. Referring claim 2, the content recording/reproducing apparatus according to claim 1, determination means determines viewable period of content on the basis of a recording retention period unique to each content (Fig. 19, Col. 25 line 16-40).

4. Regarding claim 3, the content recording/reproducing apparatus according to claim 2, determination means determines viewable period of content on the basis of a period of time from at least one of a point of time at which the distribution of content is started and a point of time at which at least one of the reception and recording of content is started by content recording means to a point of time at which recording retention period given to content passes (Fig. 19, Col. 25 line 16-40).

5. Referring claim 4, the content recording/reproducing apparatus according to claim 2, determination means determines viewable period of content on the basis of a period of time from a point of time at which the reproduction of content is first started by content reproduction means to a point of time at which recording retention period given to content passes (Fig. 19, Col. 25 line 16-40).

Art Unit: 2621

6. Regarding claim 5, the content recording/reproducing apparatus according to claim 1, presentation means presents information associated with viewable period of recorded content by superimposing information on a reproduction signal of content generated by content reproduction means (Fig. 19, Col. 25 line 16-40. Fig. 15, Col. 23 line 50-55).

7. Referring claim 6, the content recording/reproducing apparatus according to claim 1, presentation means presents information associated with viewable period of recorded content through an output device different from a reproduction output device of content (Fig. 19B, Col. 25 line 29-33. In figure 272 is showing the viewable period of recorded content and 274 is showing the reproduction in two different windows).

8. Regarding claim 7, the content recording/reproducing apparatus according to claim 1, presentation means transmits information associated with viewable period of recorded content to a predetermined communication path (Fig. 3, Col. 5 line 44-67).

9. Referring claim 8, the content recording/reproducing apparatus according to claim 1, reproduction control means prohibits the reproduction of the content of which viewable period has passed, by content reproduction means (Fig. 19, Col. 25 line 16-40).

Art Unit: 2621

10. Regarding claim 9, the content recording/reproducing apparatus according to claim 1, further comprising:

- Control input means for accepting user command input (Fig. 3, Col. 6 line 16, 17)
- In response to an instruction for moving a content viewing start position through control input means, reproduction control means instructs content reproduction means to move a content viewing position and presentation means presents information associated with the viewable period of the reproduced content (Fig. 19, Fig. 20. Col. 26 line 34-39).

11. Referring claim 10, the content recording/reproducing apparatus according to claim 1, further comprising:

- Control input means for accepting user command input (Fig. 3, Col. 6 line 16, 17)
- In response to an instruction for clearing a viewing pause operation through control input means, presentation means presents information associated with viewable period of content, and if viewable period of content has not been passed, reproduction control means instructs content reproduction means to start reproducing content (Fig. 19, Fig. 20. Col. 26 line 40-51).

12. Regarding claim 11, the content recording/reproducing apparatus according to claim 1, in response to the expiration of said viewable period of content in a viewing paused state, reproduction control means starts reproducing content in the viewing paused state regardless of a user instruction for clearing said viewing paused state (Fig. 15, Col. 23 line 46-55).

13. Regarding claim 12, the content recording/reproducing apparatus according to claim 1, in response to the expiration of viewable period of content in a viewing paused state, reproduction control means starts reproducing content in the viewing paused state regardless of a user instruction for clearing viewing paused state (Fig. 15, Col. 23 line 46-55) and presentation means presents an elapsed time from the start of the reproduction of content and/or information indicative of the expiration of said viewable period (Fig. 19, Col. 25 line 16-40).

14. Method claims 13-24 are rejected for the same reason as discussed in the corresponding apparatus claims 1-12 respectively.

15. Claims 25, 26 are rejected for the same reason as discussed in the corresponding apparatus claim 1 above.

(10) Response to Argument

Rejection of claim in view of Jerding et al.

In re pages 12-14, appellant argues that Jerding discloses a method for an interactive media services system to provide media to a user through an interactive media services client device. The user may rent and view a MOD title for a predetermined duration of time. The user may fast-forward, rewind, play, pause, and stop the video. Jerding fail to disclose "the user may record the video", "content recording means for recording content received from the outside", and "content reproduction means for reproducing said recorded content" recited in claim 1.

In response, the examiner respectfully disagrees. There is no teaching in the claim limitation about "user may request to record the video". The claim limitation is "recording means for recording content received from the outside". Jerding discloses from col. 4 lines 4-18 that "FIG. 1 is a block...a headend 11 for receiving television signals, such as satellite television signals...video recorders....headend 11 is connected through a network 18 to ,...". and Jerding discloses from col. 1 lines 59-67 that "Additionalvideo-on-demand title presentation using VCR-like.....rewind, pause, stop, fast-forward...." And from col. 25 lines 41-56 that "As...VOD stream control functionality includes the ability to fast-forward, rewind, pause, stop...a system operator at the headend...". In order to perform VCR-like function such as rewind, pause, stop, and fast-forward, there must be at least a memory to record the video data from satellites television signals and reproduce the video data from the memory. Also in order to rent a program there must be a memory to record and reproduce the video signals.

Art Unit: 2621

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

NC

07/18/2007

Conferees:

Thai Tran

Mehradad Dastouri



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
FOR THAI TRAN



MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600